

IN RE: PETITION FOR VARIANCE
S/S Pine Grove Avenue, 395' N
of Philadelphia Road
(1319 Pine Grove Avenue)
14th Election District
7th Councilmanic District

John J. Blume, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-447-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1319 Pine Grove Avenue, located in the vicinity of Golden Ring Road in Rosedale. The Petition was filed by the owners of the property, John J. and Robin L. Blume. The Petitioners seek relief from Sections 1B01.2.C.2.a and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building setback of 2 feet, more or less, in lieu of the minimum required 35 feet, and to amend the Final Development Plan of Roswell Ridge, Lot 1, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robin Blume, co-owner of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross acreage of 10,489 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling. Testimony indicated that the Petitioners purchased the subject property approximately 8 years ago from the Developer of the subdivision known as Roswell Ridge. The subject dwelling was the original farm house on the property which was eventually subdivid-

ORDER RECEIVED FOR FILING

Date

By

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ed by the Developer. Testimony indicated that the Petitioners refinanced their property approximately three years ago at which time it was discovered that when the Developer subdivided the property, the subject dwelling encroached upon the required building setback from a 30-foot private maintenance and utility easement. The Petitioners were advised at that time that a variance would be needed in the event they ever decided to sell their property. The Petitioners now wish to sell their property and thus, seek the variance relief noted above in order to resolve the matter. It should be noted that the variance relief sought is for existing improvements and not as a result of any improvements proposed by the Petitioners.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

ORDER RECEIVED FOR FILING
DATE 7/17/95
BY [Signature]

7/17/95

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

ORDER RECEIVED FOR FILING


Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from Sections 1B01.2.C.2.a and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building setback of 2 feet, more or less, in lieu of the minimum required 35 feet, and to amend the Final Development Plan of Roswell Ridge, Lot 1, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners are also hereby made aware that several structures on their property are located within the various drainage, maintenance, and utility easements located on their property, and, pursuant to the comments submitted by the Development Plans Review Division of the Department of Permits and Development Management, should Baltimore County need to access these easements for any purpose, the Petitioner, or any prospective property owner, will have to remove those structures at their expense.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

COPIES FOR FILING
2/17/95
bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1995

Mr. & Mrs. John J. Blume
1319 Pine Grove Avenue
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
S/S Pine Grove Avenue, 395' N of Philadelphia Road
(1319 Pine Grove Avenue)
14th Election District - 7th Councilmanic District
John J. Blume, et ux - Petitioners
Case No. 95-447-A

Dear Mr. & Mrs. Blume:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Variance

95-447-A
to the Zoning Commissioner of Baltimore County

for the property located at 1319 Pine Grove Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.2.C.2.a (BCZR) & 504, V.B.5.a (CMDP)

To allow an existing building with a setback of 2 +/- feet in lieu of the minimum required setback of 35 feet & to amend the FDP of Roswell Ridge for Lot #1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be discuss at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

John J. & Robin L. Blume
(Type or Print Name)

Signature

Robin L. Blume
(Type or Print Name)

Signature

1319 Pine Grove Ave 866-4810
Address Phone No

Baltimore Md. 21237
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: *sf*

DATE 6-6-95

440

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper



EXAMPLE 3 - Zoning Description

- 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1319 Pine Grove Ave
(address)

Beginning at a point on the SOUTH side of PINE GROVE AVE
(north, south, east or west) (name of

street on which property fronts which is 50 FT.
(number of feet of right-of-way width)

wide at the distance of 395' NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street PHILADELPHIA RD.
(name of street)

which is 50 FT. wide. *Being Lot # 1,
(number of feet of right-of-way width)

Block -, Section # - in the subdivision of ROSWELL RIDGE
(name of subdivision)

as recorded in Baltimore County Plat Book # 57, Folio # 115, containing

10,489 sq ft. Also known as 1319 PINE GROVE AVE.
(square feet or acres) (property address)

and located in the 14th Election District, 7 Councilmanic District.

~~438~~
440

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber , Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

NOT RECORDED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-447-A

District 14th

Date of Posting

6/17/85

Posted for:

Varignon

Petitioner:

John & Robin Blum

Location of property:

1319 Rio Grande Ave, S/S

Location of Signs:

Facing road way, on property being zoned

Remarks:

Posted by

M. H. H. H. H.
Signature

Date of return:

6/23/85

Number of Signs:

1



RECORDED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-447-A
(Item 440)
1319 Pine Grove Avenue
S/S Pine Grove Avenue,
395' +/- N of Philadelphia
Road
14th Election District
7th Councilmanic
Legal Owner(s):
John J. Blume and Robin
L. Blume
Hearing: Friday,
July 7, 1995 at 10:00
a.m. in Rm. 106, County Of-
fice Building.

Variance to allow an existing building with a setback of 2 +/- feet in lieu of the minimum required setback of 35 feet and to amend the FDP of Rosnell Ridge for Lot #1.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
6/269 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995.

THE JEFFERSONIAN,

A. H. Henrickson
LEGAL AD. - TOWSON

~~Publication~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-447-A

Account: R-001-6150

Number # ~~440~~ 440

Date 6-5-95

Taken by: JRF

BLUME -- 1319 PINE GROVE AVE.

010 -- VARIANCE -- \$50.00

030 -- SPH Amendment -- \$50.00

040 -- SIGN - - - - \$35.00

\$135.00

PAID

0260280062410000
BY COMPUTER-06-95

\$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: # ~~440~~ 440

Petitioner: Robin Blume

Location: 1319 Pine Grove Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robin Blume

ADDRESS: 1319 Pine Grove Ave

Baltimore, Md. 21237

PHONE NUMBER: 866-4810

RECORDED

AJ:ggs

(Revised 04/09/93)



NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-447-A (Item 440)

1319 Pine Grove Avenue

S/S Pine Grove Avenue, 395' +/- N of Philadelphia Road

14th Election District - 7th Councilmanic

Legal Owner(s): John J. Blume and Robin L. Blume

HEARING: FRIDAY, JULY 7, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to allow an existing building with a setback of 2 +/- feet in lieu of the minimum required setback of 35 feet and to amend the FDP of Rosnell Ridge for Lot #1.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John and Robin Blume

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 30, 1995

Mr. and Mrs. John J. Blume
1319 Pine Grove Avenue
Baltimore, Maryland 21237

RE: Item No.: 440
Case No.: 95-447-A
Petitioner: J. J. Blume, et ux

Dear Mr. and Mrs. Blume:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Item No. 440

The Development Plans Review Division has reviewed the subject zoning item. The 30-foot Private Ingress, Egress, Maintenance and Utility Easement contains three 3/4-inch diameter water house connections for Lots #5, 6 and 7. The connection for Lot #5 runs approximately 5 feet east of Blume's property line.

As shown on this petition plat the Blume's are approximately 10 feet into the 30-foot private ingress, egress easement for Lots #5, 6 and 7, recorded on Plat S.M. 57/115.

Also, the existing 10-foot Drainage and Utility Easement running along the west property does not contain any public utilities; therefore, we have no objection to the block wall or shed in the easement. However, please be advised that Baltimore County Policy prohibits the construction of a permanent structure over any easement. In the future, if the County needs this easement for installation of utilities, the property owner must remove the wall and shed, at no cost to Baltimore County.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 21, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1319 Pine Grove Road

INFORMATION:

Item Number: 440

Petitioner: Blume

Property Size:

Zoning: DR-5.5

Requested Action: Variance & FDP Amendment

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Pursuant to Section 1B01.3A.7.b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP, notwithstanding the requested variance.

However, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by:

Division Chief:

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer

Secretary

Hal Kassoff

Administrator

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.:

440 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

RE: PETITION FOR VARIANCE	*	BEFORE THE
1319 Pine Grove Avenue, S/S Pine Grove		
Ave., 395'+/- N of Philadelphia Road	*	ZONING COMMISSIONER
14th Election Dist., 7th Councilmanic		
	*	OF BALTIMORE COUNTY
John J. and Robin L. Blume		
Petitioners	*	CASE NO. 95-447-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to John J. and Robin L. Blume, 1319 Pine Grove Avenue, Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

DEED - FEE SIMPLE - CORPORATE GRANTOR - LONG FORM

This Deed, MADE THIS 19th day of January

in the year one thousand nine hundred and eighty-eight by and between

CHARM CITY HOMES, INC., a body corporate of the State of Maryland,

of the first part, and
JOHN J. BLUME and ROBIN L. BLUME, his wife, of Baltimore County, State of Maryland,
of the second part.

WITNESSETH, That in consideration of the sum of Ninety Thousand Dollars (\$90,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said party of the first part

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [Signature] DATE 1-27-88

[Signature] 1-27-88
Date

do es grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

B R C F 13.00
B T TX 450.00
B DOCS 450.00

personal representatives, successors, and assigns

, in fee simple, all

DEED 0 #
SM CLERK 913.00
#14360 C004 R01 T11:02
01/22/88

that lot of ground situate in the 14th Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 1, as shown on the plat entitled "A Plat of Roswell Ridge", which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 57, folio 115. The improvements thereon being known as No. 1319 Pine Grove Avenue.

BEING part of the property which by Confirmatory Deed dated December 31, 1987 and recorded among the Land Records of Baltimore County in Liber SM 7761, folio 724, was granted and conveyed by Joseph J. Karl and Theresa M. Karl, his wife, unto the party of the first part.

BEING ALSO part of the property which by Deed dated June 1, 1987 and recorded among the Land Records of Baltimore County in Liber SM 7572, folio 37, was granted and conveyed by George E. Albiker and Marie S. Albiker, his wife, unto the party of the first part, the Grantor herein.

Subject to the following easements: Deed dated March 3, 1970 and recorded among the aforesaid Land Records in Liber 5083, folio 39, from Joseph J. Karl and wife to Baltimore County, Maryland, and deed dated February 27, 1968 and recorded among the aforesaid Land Records in Liber 4855, folio 25, from Joseph J. Karl and wife to Baltimore County, Maryland, and Declaration recorded in SM 7761, folio 750, and Deed of Declaration and Easement recorded in SM 7760, folio 230.

Subject to the setback lines, easements, road, rights of way and all terms and conditions appearing on the Plat hereinabove referred to.

The undersigned officer of the Grantor certifies that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of said Grantor.

450-
4503-

#440

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives/~~SUCCESSORS~~ and assigns, in fee simple.

AND the said part Y of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

WITNESS the name and corporate seal of said body corporate and the signature of James E. Musser,

the President thereof.
CHARM CITY HOMES, INC.

Attest:

Secretary

James E. Musser
President
JAMES E. MUSSER

STATE OF MARYLAND

COUNTY OF BALTIMORE

, to wit:

I HEREBY CERTIFY, That on this 19th day of January, 1988,

before me, the subscriber, a Notary Public of the State aforesaid, personally appeared James E. Musser,

who acknowledged himself to be the President

of Charm City Homes, Inc.,

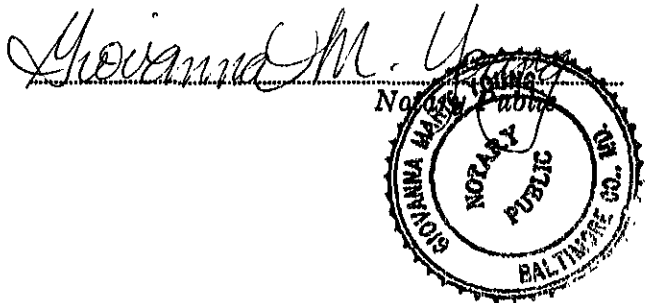
a corporation, and that he as such President

, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by him self as such President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1990



Power & Mosner
21 W. Susquehanna Ave.
21204

#440

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1319 Pine Grove Ave

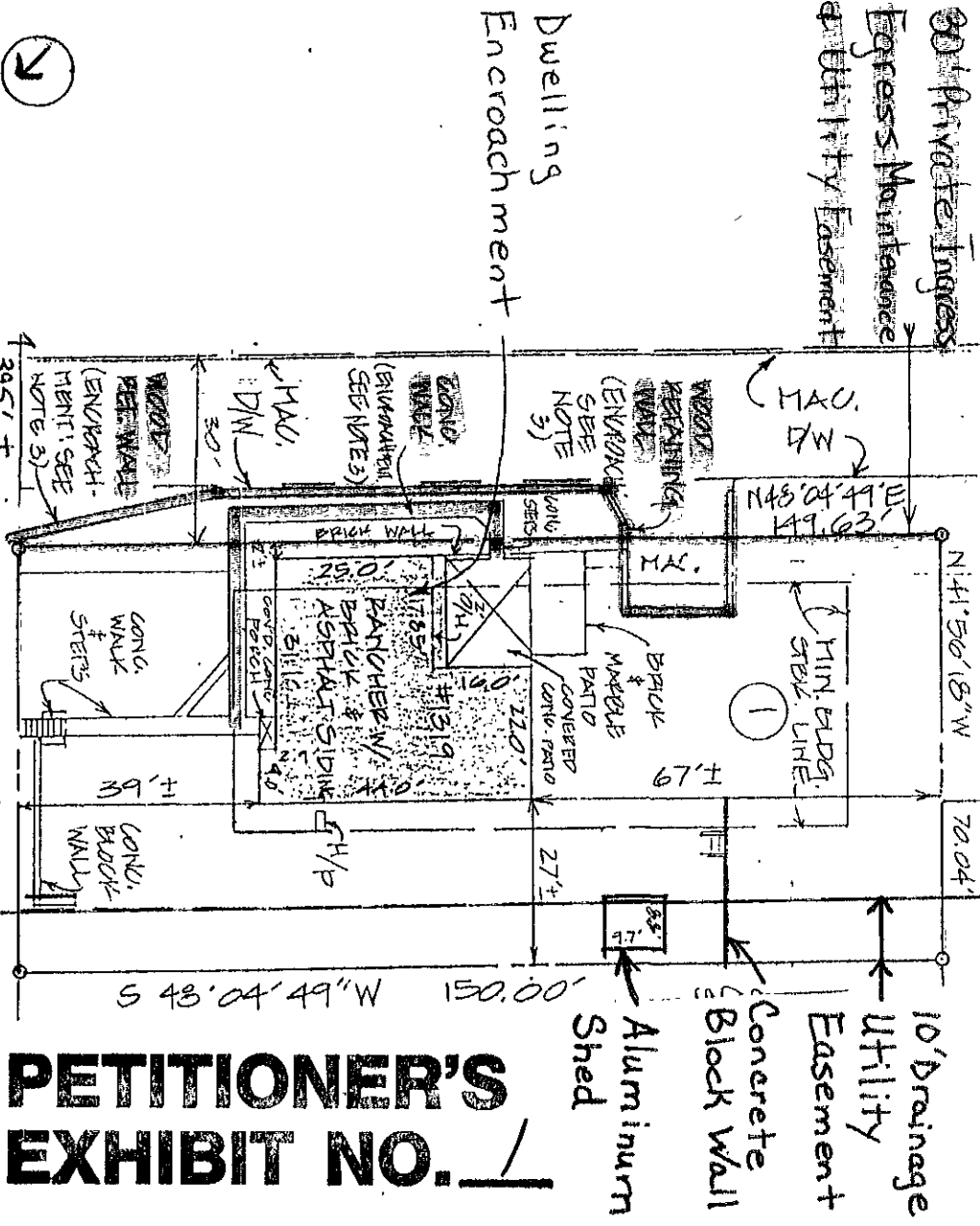
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Roswell Ridge

Plat book # 57, folio # 115, lot # 1, section # 1

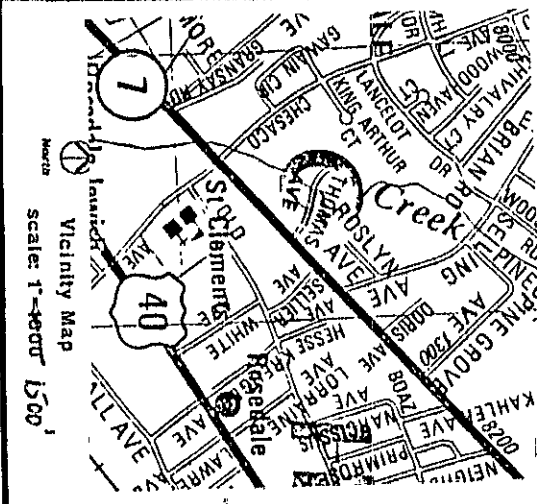
OWNER: John + Robin Blume

95-447-A



PETITIONER'S EXHIBIT NO. 1

North date: 6-5-95 prepared by: AS
 Scale of Drawing: 1" = 30'
 541° 38' 04" E 70.00' from C of Philadelphia Rd.
 Pine Grove Ave. (50' R/W)



LOCATION INFORMATION

Election District: 14th

Councilmanic District: 7

1" = 200' scale map: NE 3 F

Zoning: DR 5.5

Lot size: 10,489 square feet

- SEWER: ☒ public ☐ private
- WATER: ☒ public ☐ private

Prior Zoning Hearings:

N/D

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

88 440

(See other side)

Note 1: Aluminum shed and concrete block wall appear to encroach into 10' drainage & utility easement.

Note 2: Existing dwelling appears to encroach over min. bldg. setback line.

● Note 3: Concrete walkway and wood retaining wall appear to encroach into 30' private ingress egress, maintenance & utility easement and onto Lot 5.

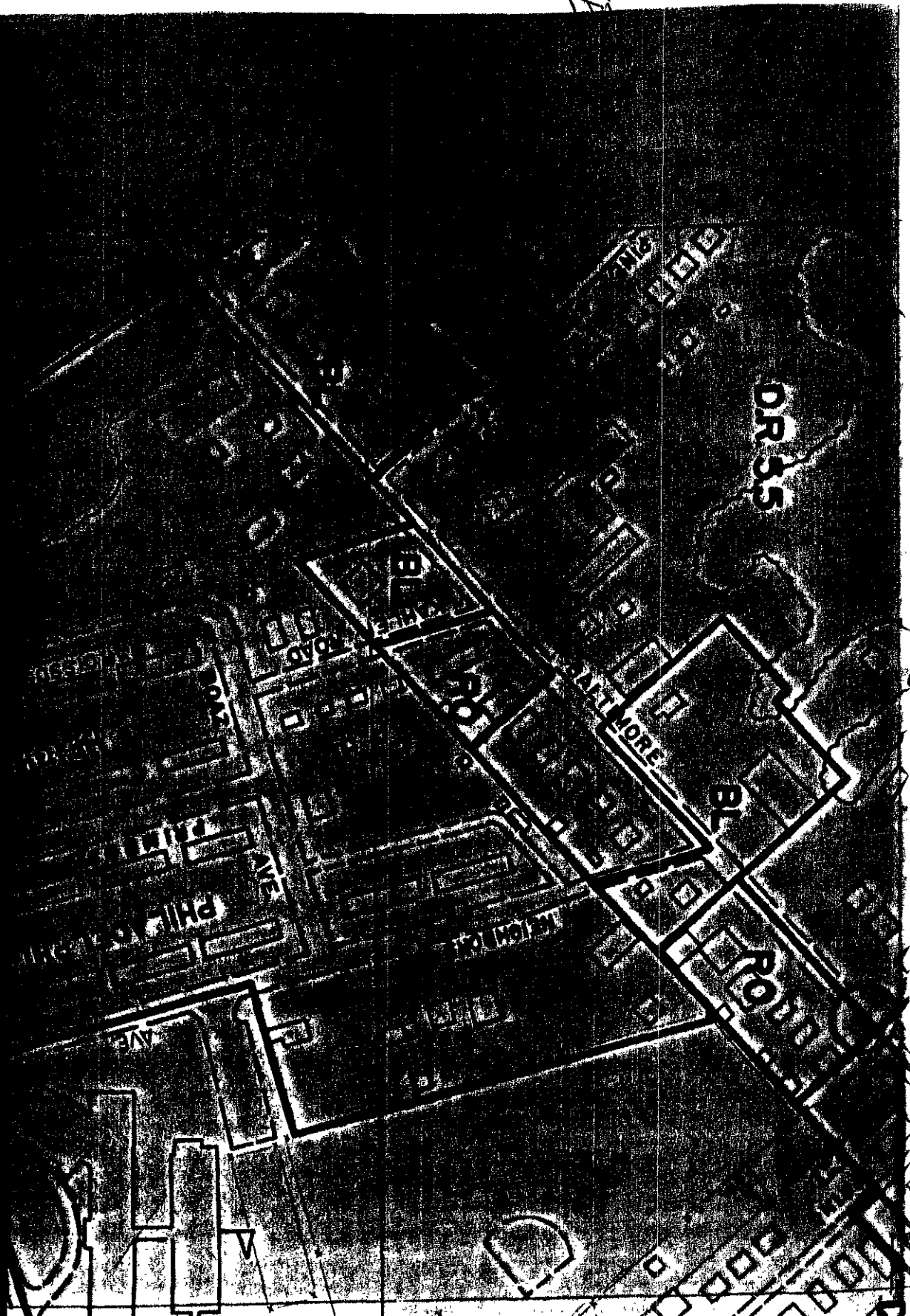
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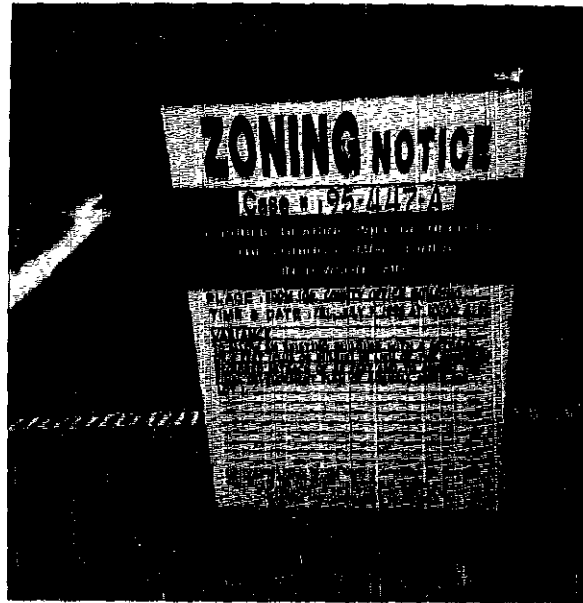
95-447-A

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area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a denial of the variance applied for would do a substantial injustice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

IN RE: PETITION FOR VARIANCE
S/S Pine Grove Avenue, 395' N
of Philadelphia Road
(1319 Pine Grove Avenue)
14th Election District
7th Councilmanic District
John J. Blume, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-447-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1319 Pine Grove Avenue, located in the vicinity of Golden King Road in Rosedale. The Petition was filed by the owners of the property, John J. and Robin L. Blume. The Petitioners seek relief from Sections 1801.2.C.2.a and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building setback of 2 feet, more or less, in lieu of the minimum required 35 feet, and to amend the Final Development Plan of Roswell Ridge, Lot 1, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robin Blume, co-owner of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross acreage of 10,489 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling. Testimony indicated that the Petitioners purchased the subject property approximately 8 years ago from the Developer of the subdivision known as Roswell Ridge. The subject dwelling was the original farm house on the property which was eventually subdivided

by the Developer. Testimony indicated that the Petitioners refinanced their property approximately three years ago at which time it was discovered that when the Developer subdivided the property, the subject dwelling encroached upon the required building setback from a 30-foot private maintenance and utility easement. The Petitioners were advised at that time that a variance would be needed in the event they ever decided to sell their property. The Petitioners now wish to sell their property and thus, seek the variance relief noted above in order to resolve the matter. It should be noted that the variance relief sought is for existing improvements and not as a result of any improvements proposed by the Petitioners.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

- 2 -

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

- 3 -

area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a denial of the variance applied for would do a substantial injustice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

- 4 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from Sections 1801.2.C.2.a and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building setback of 2 feet, more or less, in lieu of the minimum required 35 feet, and to amend the Final Development Plan of Roswell Ridge, Lot 1, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners are also hereby made aware that several structures on their property are located within the various drainage, maintenance, and utility easements located on their property, and, pursuant to the comments submitted by the Development Plans Review Division of the Department of Permits and Development Management, should Baltimore County need to access these easements for any purpose, the Petitioner, or any prospective property owner, will have to remove those structures at their expense.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1995

Mr. & Mrs. John J. Blume
1319 Pine Grove Avenue
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
S/S Pine Grove Avenue, 395' N of Philadelphia Road
(1319 Pine Grove Avenue)
14th Election District - 7th Councilmanic District
John J. Blume, et ux - Petitioners
Case No. 95-447-A

Dear Mr. & Mrs. Blume:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1319 Pine Grove Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1801.2.C.2.a (BCZR) & 504, V.B.5.a (CMDP).

To allow an existing building with a setback of 2 +/- feet in lieu of the minimum required setback of 35 feet & to amend the FDP of Roswell Ridge for Lot #1, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner

Type or Print Name

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State

Zip

Signature

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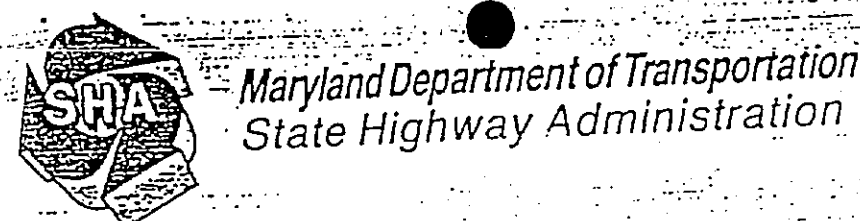
City

State

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Signature

Address



O. James Lightizer
Secretary
Hal Kassell
Administrator

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 440 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

RE: PETITION FOR VARIANCE
1319 Pine Grove Avenue, S/S Pine Grove
Ave., 395' +/- N of Philadelphia Road
14th Election Dist., 7th Councilmanic
John J. and Robin L. Blume
Petitioners
CASE No. 95-447-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to John J. and Robin L. Blume, 1319 Pine Grove Avenue, Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

DEED - FEE SIMPLE - CORPORATE GRANTOR - LONG FORM

77776 PAGE 188

This Deed, MADE THIS 19th day of January

in the year one thousand nine hundred and eighty-eight by and between
CHARM CITY HOMES, INC., a body corporate of the State of Maryland,

of the first part, and
JOHN J. BLUME and ROBIN L. BLUME, his wife, of Baltimore County, State of Maryland,

of the second part.

WITNESSETH, That in consideration of the sum of Ninety Thousand Dollars (\$90,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said party of the first part RECEIVED FOR TRANSFER
State Department of
Assessment & Taxation
for Baltimore County
APPROVED FOR
NOT RECORDED
SIGNATURE [Signature] DATE 1-27-88

do es grant and convey to the said parties of the second part, as tenants by the jointties,
their assigns, the survivor of them and the survivor's
B T T X 450.00
B DCS 450.00

personal representatives, [Signature] and assigns
in fee simple, all 0.13 #
CLERK #14500 0004 ROL T11402
that lot of ground situate in the 14th Election District of Baltimore County
and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 1, as shown on the plat entitled "A Plat of Roswell Ridge", which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 57, folio 115. The improvements thereon being known as No. 1319 Pine Grove Avenue.

BEING part of the property which by Confirmatory Deed dated December 31, 1987 and recorded among the Land Records of Baltimore County in Liber SM 7761, folio 724, was granted and conveyed by Joseph J. Karl and Theresa M. Karl, his wife, unto the party of the first part.

BEING ALSO part of the property which by Deed dated June 1, 1987 and recorded among the Land Records of Baltimore County in Liber SM 7572, folio 37, was granted and conveyed by George E. Alliker and Marie S. Alliker, his wife, unto the party of the first part, the Grantor herein.

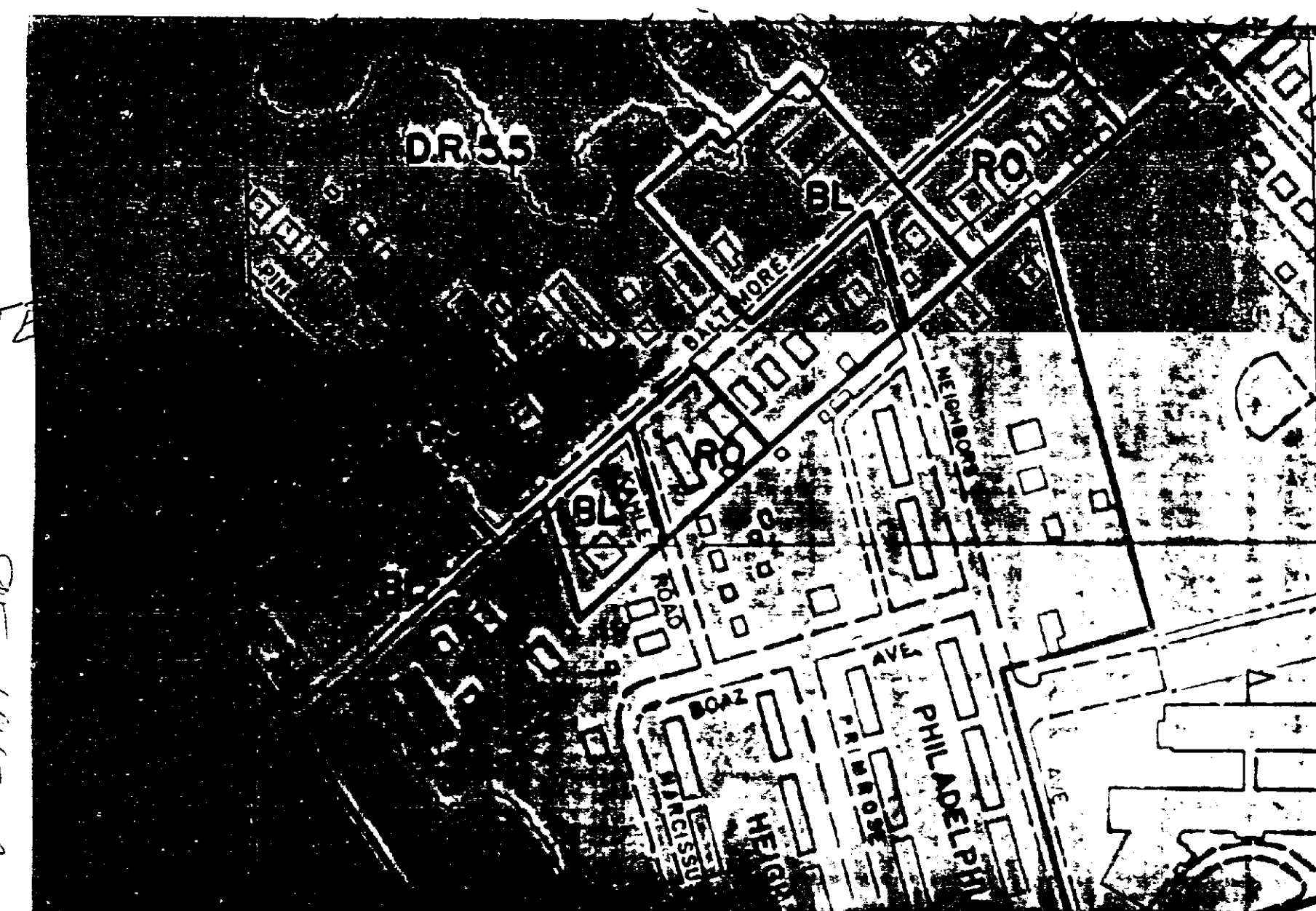
Subject to the following easements: Deed dated March 3, 1970 and recorded among the aforesaid Land Records in Liber 5083, folio 39, from Joseph J. Karl and wife to Baltimore County, Maryland, and deed dated February 27, 1968 and recorded among the aforesaid Land Records in Liber 4855, folio 25, from Joseph J. Karl and wife to Baltimore County, Maryland, and Declaration recorded in SM 7761, folio 750, and Deed of Declaration and Easement recorded in SM 7760, folio 230.

Subject to the setback lines, easements, road, rights of way and all terms and conditions appearing on the Plat hereinabove referred to.

The undersigned officer of the Grantor certifies that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of said Grantor.

B 8555***14400012 5212A

#440



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1319 Pine Grove Ave

Subdivision name: Roswell Ridge

Plat Book 57, Folio 115, Lot 1, Section 1

OWNER: John & Robin Blume

10' Drainage Utility Easement

Concrete Block Wall

Aluminum Shed

PETITIONERS EXHIBIT NO. 1

LOCATION INFORMATION

Election District: 14th

Councilmanic District: 7

1"=200' scale map: NE 3F

Zoning: DR 5.5

Lot size: 10,489 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NO

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 440 CASE#:

(See other side)

Note 1: Aluminum shed and concrete block wall appear to encroach into 10' drainage & utility easement.

Note 2: Existing dwelling appears to encroach over min. bldg. setback line.

Note 3: Concrete walkway and wood retaining wall appear to encroach into 30' private ingress egress, maintenance & utility easement and onto Lot 5.

